

Appl. No. 09/852,939
Amdt. dated July 18, 2005
Reply to Office Action of March 16, 2005

PATENT

REMARKS/ARGUMENTS

Amendments

Claims 9, 10 and 18 have been modified in this amendment, no claims have been cancelled and no new claims have been added. Therefore, claims 1-20 are present for examination. No new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended.

Allowable Subject Matter

Applicants note with appreciation that claims 2-4, 7, 11 and 13 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. However, in light of the following arguments, Applicants believe that the base claims are also allowable.

35 U.S.C. §112 Rejection

Claims 9, 10 and 18 are rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter. Applicant believes changes to these claims, which are reflected in the amendments above, are sufficient to overcome these rejections.

35 U.S.C. §103(c) Statement Regarding Andersen et al.

Application No. 09/852,939 and Patent Publication No. 2003/0167170 were, at the time the invention of Application No. 09/852,939 was made, owned by Global IP Sound AB. Therefore, Applicants submit that Patent Publication No. 2003/0167170 does not constitute prior art.

35 U.S.C. §103 Rejection, Craven et al. ('212) in view of Andersen et al.

The Office Action has rejected claims 1, 5, 6, 10, 12 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,611,212 to Craven et

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al. (hereinafter "Craven '212") in view of the cited portions of U.S. Patent Publication No. 2003/0167170 to Andrsen et al. (hereinafter "Andrsen").

As noted above, Applicants believe that Andrsen cannot be used under 35 U.S.C. §103(c).

35 U.S.C. 103(c) provides that subject matter developed by another which qualifies as "prior art" only under one or more of subsections 35 U.S.C. 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made.

(MPEP § 2146). However, in the interest of moving the Application towards allowance and without admitting that Andrsen constitutes a valid reference, the Applicants will assume *arguendo* that Andrsen is a valid reference and proceed to the merits of the rejections.

Craven '212 teaches dividing a stream into two substreams, one substream being a "downmix" signal that contains a subset of available channels, while the other substream contains the remaining channels. Craven '212, Col. 1, line 66 - Col. 2, line 6. Craven '212 also teaches several methods of dividing the stream into the first and second substreams. *Id.* at Col. 2, ll. 18-23; *Id.* at 51 - 65. Craven '212 further teaches several methods of encoding these two streams. *Id.* at Col. 18, ll. 11 - 24.

In essence, Craven '212 allows a signal to be divided into streams. Each of these streams represents different channels. For example, Craven '212 teaches how to encode DVDs, which are normally encoded using "5.1 channel" (6 total channels) sound. *Id.* at Col. 3, ll. 3-13. Since a DVD may be used in a two-channel environment, such as headphones, Craven '212 teaches a method to separate the two channels into one stream, while encoding the other 4 channels into the second stream. This means that the two-channel environment does not waste time decoding the other 4 channels. In the 6-channel environment, Craven '212 teaches a first stream (the first 2 channels) that is supplemented by the second stream (the last 4 channels).

Claim 1, in contrast, requires "each sound segment is represented by at least two different segment descriptions" and "each description being a representation of the sound signal

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with a respective set of quantization levels." Claim 1, lines 7, 5-6; See also Claim 10, ll. 5-6; Claim 16, ll. 6-8; Claim 17, ll. 6-7; Claim 18, ll. 8-9.

Craven '212 does not, as the Examiner admits, teach "transmitting . . . each of said at least two different segment descriptions in separate data packets at different points of time, wherein a predefined time interval is introduced between the transmissions of two different segment descriptions of a sound segment." Claim 1, ll. 8 - 11; See Claim 10, ll. 5 - 6; Claim 16, ll. 10 - 12; Claim 17, ll. 5 - 7; Claim 18, ll. 12-13. For this, the Examiner cites Andrsen. Andrsen teaches a system and a method for "replacing" lost or delayed packets in a packet switched network by performing time expansion or time compressions. Andrsen, [0035] - [0038]. Cited paragraph [0072] discloses transmission of sound as packet data over a packet switched network. Cited paragraphs [0074]-[0075] disclose decoding which employs timing recovery and lost frame substitution in order to handle delayed or lost signal frames. Nothing in Andrsen teaches or suggests "transmitting . . . each of said at least two different segment descriptions in separate data packets at different points of time, wherein a predefined time interval is introduced between the transmissions of two different segment descriptions of a sound segment," as required by the present claims.

Applicants believe that because neither Craven '212 nor Andrsen appear to teach all of the limitations present in the independent claims 1, 10, 16, 17, and 18, such that those claims are believed in condition for allowance. Applicants further believe that rejected claims 5, 6 and 12, which depend from the allowable independent claims, are allowable for at least these reasons.

35 U.S.C. §103 Rejection, Craven et al. ('212) in view of Andrsen et al. and further in view of Craven et al. ('913)

The Office Action has rejected claims 8-9, 14-15 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,611,212 to Craven et al. (hereinafter "Craven '212") in view of the cited portions of U.S. Patent Publication No.

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2003/0167170 to Andrsen et al. (hereinafter "Andrsen") and further in view of the cited portions of U.S. Patent No. 6,664,913 to Craven et al. (hereinafter "Craven '913").

Once again the Applicants note that Andrsen it not properly applied against the present application. Further, rejected claims 8-9, 14-15 and 19-20 are allowable for at least the reasons given in the preceding section for their respective parent claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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